

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER PARTNERS II LLC,	§	
<i>Plaintiff and Counterclaim-Defendant,</i>	§	
	§	
vs.	§	
	§	Case No. 2:24-cv-00007-JRG-RSP
	§	(Member Case)
CELLCO PARTNERSHIP, D/B/A VERIZON	§	Jury Trial Demanded
WIRELESS, AND VERIZON CORPORATE	§	
SERVICES GROUP INC.,	§	
	§	
<i>Defendants and Counterclaimant-Plaintiffs.</i>	§	
HEADWATER PARTNERS II LLC,	§	
<i>Plaintiff and Counterclaim-Defendant,</i>	§	
	§	
vs.	§	Case No. 2:24-cv-00015-JRG-RSP
	§	(Lead Case)
	§	Jury Trial Demanded
T-MOBILE USA, INC. AND SPRINT LLC,	§	
	§	
	§	
<i>Defendants and Counterclaimant-Plaintiffs.</i>	§	
	§	
HEADWATER PARTNERS II LLC,	§	
<i>Plaintiff and Counterclaim-Defendant,</i>	§	
	§	
vs.	§	Case No. 2:24-cv-00016-JRG-RSP
	§	(Member Case)
	§	Jury Trial Demanded
AT&T SERVICES, INC., AT&T MOBILITY	§	
LLC AND AT&T CORP.,	§	
	§	
<i>Defendants and Counterclaimant-Plaintiffs.</i>	§	
	§	
	§	

JOINT MOTION TO CONSOLIDATE

Plaintiff Headwater Partners II LLC (“Headwater”) and Defendants T-Mobile USA, Inc.,

Sprint LLC (collectively, “T-Mobile”), AT&T Services, Inc., AT&T Mobility LLC, AT&T Corp. (collectively, “AT&T”), Cellco Partnership, d/b/a Verizon Wireless and Verizon Corporate Services Group (collectively, “Verizon,” and all together with Headwater, the “Parties”) respectfully request that the Court consolidate for pre-trial issues the above-captioned matters involving the Parties and pending before the Court for the reasons set forth below:

1. On January 5, 2024, Headwater filed a lawsuit against Verizon in this district, alleging infringement of U.S. Patent Nos. 9,094,868 and 9,413,502 (the “Asserted Patents”). *See Headwater Partners II LLC v. Cellco Partnership, d/b/a Verizon Wireless*, et al., 24-cv-00007 (E.D. Tex.) (the “Verizon Matter”).

2. On January 10, 2024, Headwater filed two lawsuits alleging infringement of the same Asserted Patents against AT&T and T-Mobile. *See Headwater Partners II LLC v. AT&T Servs., Inc., et al.*, 24-cv-00016 (E.D. Tex.) (the “AT&T Matter”); *Headwater Partners II LLC v. T-Mobile USA, Inc.*, et al., 24-cv-00015 (E.D. Tex.) (the “T-Mobile Matter”).

3. On February 13, 2024, the Court consolidated for pre-trial issues the AT&T Matter and T-Mobile Matter, and designated the T-Mobile Matter as the lead case (the “AT&T/T-Mobile Matter”). *See* AT&T Matter, Dkt. No. 10; T-Mobile Matter, Dkt. No. 10. The Court did not consolidate for pre-trial issues the Verizon Matter with the AT&T/T-Mobile Matter.

4. The AT&T/T-Mobile Matter and the Verizon Matter share the same schedule (outside of trial dates) and discovery orders, and the Parties are represented by the same respective outside counsel.

5. The Parties met and conferred concerning the consolidation for pre-trial issues of the AT&T/T-Mobile Matter with the Verizon Matter on June 11, 2024. The Parties respectfully submit that consolidating these matters will lead to greater efficiency in case management and

consistent rulings regarding overlapping legal claims, as both matters are pending before this Court, both matters contain overlapping questions of law and fact, maintaining separate matters would waste the Court's and Parties' resources and because there is little to no risk of prejudice or confusion resulting from consolidation.

For the aforementioned reasons, the Parties respectfully request that the Court consolidate for pre-trial issues the Verizon Matter into the AT&T/T-Mobile Matter and designate the AT&T/T-Mobile Matter as the LEAD CASE following consolidation.

Date: July 1, 2024

Respectfully submitted,

/s/ Deron R. Dacus

/s/ Marc Fenster

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CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel complied with the requirements of Eastern District of Texas Local Rule CV-7(h). The parties are in agreement on filing this Joint Motion.

/s/ Deron R. Dacus
Deron R. Dacus

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this July 1, 2024, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Deron R. Dacus
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